

HOUSE OF REPRESENTATIVES
~~HOUSE OF REPRESENTATIVES~~
NATURAL RESOURCES COMMITTEE

DATE: 1-15-07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. WALTER MCNUTT, CHAIR	✓	
REP. RALPH HEINERT, VICE CHAIR	✓	
REP. RON ERICKSON, VICE CHAIR	✓	
REP. DUANE ANKNEY	✓	
REP. DEBBY BARRETT	✓	
REP. JILL COHENOUR	✓	
REP. SUE DICKENSON	✓	
REP. BETSY HANDS	✓	
REP. GORDON HENDRICK	✓	
REP. CAROL LAMBERT	✓	
REP. SCOTT MENDENHALL	✓	
REP. JP POMNICHOWSKI	✓	
REP. JOHN ROSS	✓	
REP. VERONICA SMALL-EASTMAN	✓	
REP. KENDALL VAN DYK		✓
REP. CHAS VINCENT	✓	



HOUSE STANDING COMMITTEE REPORT

January 16, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 36** (first reading copy -- white) do pass as amended.

Signed: 
Representative Walter McNutt, Chair

And, that such amendments read:

1. Title, line 5.

Strike: "EXTENDING"

Insert: "REPEALING"

2. Title, line 8.

Strike: "AMENDING"

Insert: "REPEALING"

3. Page 1, line 13 through line 14.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Repealer. Section 2, Chapter 418, Laws of 2005, is repealed."

- END -

Committee Vote:

Yes 15, No 1

Fiscal Note Required ____

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1/16/07
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HOUSE STANDING COMMITTEE REPORT

January 16, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 87** (first reading copy -- white) **do pass**.

Signed: _____

Walter McNutt
Representative Walter McNutt, Chair

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required _____

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John



HOUSE STANDING COMMITTEE REPORT

January 16, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 19** (first reading copy -- white) do pass as amended.

Signed: _____

Walter McNutt
Representative Walter McNutt, Chair

And, that such amendments read:

1. Title, line 13.

Following: "77-1-613,"

Insert: "77-1-905,"

2. Page 7, line 8.

Insert: "Section 8. Section 77-1-905, MCA, is amended to read:

"77-1-905. Rental provisions for commercial leasing -- payments and credits -- administration -- lease options. (1) The first year's annual rental payment for state trust land leased for commercial purposes must be paid by cashier's check, and payment is due upon execution of the lease. The department may require the lessee of state trust land for commercial purposes to pay the department's cost of the request for proposals process, including publication and other reasonable expenses. Failure to pay the first year's rental at the time of lease execution must result in the cancellation of the lease and forfeiture of all money paid. In the event of cancellation or in the event that the successful proposer is offered and does not accept the lease, the board may enter into negotiations with other persons who submitted a proposal for commercial purposes in response to the department request for proposals on that tract.

(2) The board shall specify in any commercial lease an annual rental equal to the full market rental value of the land. The annual rent may not be less than the product of the appraised value of the land multiplied by a rate that is 2 percentage points a year less than the rate of return of the unified investment program administered by the board of investments pursuant to 17-6-201. The rate of return from the unified investment program used in this subsection must be determined no

Committee Vote:

Yes 15, No 0

Fiscal Note Required _____

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less than 30 days prior to the execution of the competitive bid. A commercial lease may include a rental adjustment formula established by the board that periodically adjusts the annual rent provided for in the lease at frequencies specified in the lease. The board may allow a credit against the annual rent due for payments made by the lessee on behalf of the state of Montana for construction of structures and improvements, special improvement district assessments, annexation fees, or other city or county fees attributable to the state's property interest in land leased for commercial purposes. The board may accept as lawful consideration in-kind payments of services or materials equal to the full market value of the rent calculated to be owed on any commercial lease. A lease issued under this part may include an amortization schedule to be used to determine the value to the lessee of improvements when the lease is terminated.

(3) The Except for rent received from lands granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, the department may use up to 10% of the annual rent received from a commercial lease to contract with realtors, property managers, surveyors, legal counsel, or lease administrators to administer the commercial lease, either singly or in common with other leases, or to provide assistance to the department in the administration of commercial leases.

(4) In anticipation of entering into a commercial lease, the board may issue an option to lease at a rental rate that the board determines to be appropriate. An option to lease may not exceed a term of 2 years. An option to lease may not be construed to grant a right of immediate possession or control over the land but may only preserve the optionholder's exclusive right to obtain a commercial lease on the land in the future.""

Renumber: subsequent sections

- END -

HOUSE OF REPRESENTATIVES

Amenment

NATURAL RESOURCES COMMITTEE

DATE 1-15-07 BILL NO 36 MOTION NO. 2
 MOTION: Move to adopt Amenament 003601, a.k

NAME	AYE	NO	ABSENTEE
REP. WALTER MCNUTT, CHAIR	✓		
REP. RALPH HEINERT, VICE CHAIR		✓	
REP. RON ERICKSON, VICE CHAIR	✓		
REP. DUANE ANKNEY		✓	
REP. DEBBY BARRETT		✓	
REP. JILL COHENOUR	✓		
REP. SUE DICKENSON	✓		
REP. BETSY HANDS	✓		
REP. GORDON HENDRICK		✓	proxy
REP. CAROL LAMBERT	✓		
REP. SCOTT MENDENHALL		✓	
REP. JP POMNICHOWSKI	✓		
REP. JOHN ROSS		✓	
REP. VERONICA SMALL-EASTMAN	✓		
REP. KENDALL VAN DYK	✓		proxy
REP. CHAS VINCENT		✓	

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HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

DATE 1-15-07 BILL NO 36 MOTION NO. 3

MOTION: To pass with Amendments

HB passed as amended

NAME	AYE	NO	ABSENTEE
REP. WALTER MCNUTT, CHAIR	✓		
REP. RALPH HEINERT, VICE CHAIR	✓		
REP. RON ERICKSON, VICE CHAIR	✓		
REP. DUANE ANKNEY	✓		
REP. DEBBY BARRETT	✓		
REP. JILL COHENOUR	✓		
REP. SUE DICKENSON	✓		
REP. BETSY HANDS	✓		
REP. GORDON HENDRICK	✓		proxy
REP. CAROL LAMBERT	✓		
REP. SCOTT MENDENHALL		✓	
REP. JP POMNICHOWSKI	✓		
REP. JOHN ROSS	✓		
REP. VERONICA SMALL-EASTMAN	✓		
REP. KENDALL VAN DYK	✓		proxy
REP. CHAS VINCENT	✓		

15-1

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Ron Erickson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 36 amend	X	
HB 36	X	
HB 87	X	
et		

BILL/AMENDMENT

AYE NO

Rep.

Kimberly Van Dyke
(Signature)

Date

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Gordon HENDRICKS - Nat. Resources

Committee because of other commitments. I desire to leave my proxy vote with:

REP. HEINERT

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

Amend. 3601-AKI		✓
Bill 36 HB-36	✓	
HB-87	✓	
HB-19 Amend		
No. HB001901.agg	✓	
HB-19 as Amended	✓	

BILL/AMENDMENT

AYE NO

Rep. Gordon R. Hendricks
(Signature)

Date 1/15/07

Montana House of Representatives

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NATURAL RESOURCES COMMITTEE

Date 1-15-07

Bill No. HB 19

Sponsor(s) REP. McNETT

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Name and Address	Representing	Support	Oppose	Inf.
JOE LAMSON	OP1	X		
Mon Vinton	DNRC	b		
Geoff Gamble	MS4	X		
Sheila Stearns	MUS	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives

~~VISITOR REGISTER~~

NATURAL RESOURCES COMMITTEE

Date 1-15-07

Bill No. HB20 Sponsor(s) REP. McNUITT

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Name and Address	Representing	Support	Oppose	Inf.
Tim Hall	DNR	✓		
Holly Franz	Upper Clark Fork Steering Comm.	✓		
DON MACINTYRE				✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

[REDACTED]

Date 1-15-07

Bill No. HB 39 Sponsor(s) REP. McNETT

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives

NATURAL RESOURCES COMMITTEE

Date 1-15-07

Bill No. HB 87 Sponsor(s) REP. CORDIER

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PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
John Tobbs	OWNER	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.